

UNITED STATES COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

STEVEN G. ROSSER
WHITNEY R. LANCASTER.

Defendant.

Case No. 2:20-CR-62

JUDGE MORRISON

REQUEST FOR CONTINUANCE OF TRIAL DATE

The above captioned case is currently scheduled for trial on August 23, 2021. For the reasons, that follow, undersigned counsel for the government seek a continuance of the existing trial date and corresponding deadlines. Counsel for defendants Rosser and Lancaster have both indicated that they have conferred with their clients and they do not oppose this request.

Recent discussions among the parties confirm that this case is quite likely to proceed to trial and will not be resolved via plea agreement. The charged conduct consists of three distinct historical conspiracies spanning several years of time. Government counsel has proposed establishing a formal timeframe for early Jencks material disclosures along with several other timeframes that would provide an efficient framework culminating in the anticipated trial. As the discovery already provided is over 990 gigabytes of material (consisting of over 260,000 files), this trial can properly be considered an “unusual or complex” case pursuant to 18 U.S.C. §3161(h)(7)(B)(ii) allowing for all time to be considered “excludable” time pursuant to the Speedy Trial Act. Establishment of a new “final” trial date¹ with corresponding intermittent

¹ As the SDOH Chief Judge commonly states, absent a “force de majeure”, this trial date would be considered final.

deadlines, would also allow the parties and this Court to more efficiently move forward with this case. The undersigned counsel submit that these reasons are consistent with the interests of justice.

Counsel for the parties propose to present to this Court within two weeks of this motion an agreed upon calendar of deadlines similar to that used in the multi-defendant case of *United States v. Bryant et al.* (2:18cr204). In the event the parties cannot agree on a final trial date (somewhere between November 2021 and February 2022), we would respectfully request this Court to establish the new trial date incorporating any of the agreed upon early Jencks disclosures and motions deadlines.

This continuance request is also prompted by undersigned government counsel having several conflicts with the current trial date of August 23, 2021. AUSAs Litton and Kelley are government counsel in *United States v. Shawn Nelms* (2:18cr204) a RICO murder case that has been set for a multi-week trial on September 13, 2021, before Judge Watson (scheduled for this date for almost a year). This case will require significant trial preparation consuming much of the month of August. In addition, AUSA Litton is also currently set for trial on August 2, 2021, in *United States v. Eric Thomas* (2:19cr134).

For all of the preceding reasons, the undersigned request that this continuance request be granted and that the parties be given an opportunity to submit a new proposed trial schedule.

Respectfully submitted,
VIPAL J. PATEL
ACTING UNITED STATES ATTORNEY

s/Kevin W. Kelley
KEVIN W. KELLEY (0042406)
NOAH R. LITTON (0090479)
Assistant U.S. Attorneys

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing Motion for Continuance of Trial Date was served on attorneys for defendants David Thomas, Kathryn Wallrabenstein and Robert Krapenc via this Court's ECF system on July 13, 2021.

s/Kevin W. Kelley
KEVIN W. KELLEY (0042406)
Assistant U.S. Attorney